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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,387	02/15/2002	Roland M. Hochmuth	10970681-5	3924

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EXAMINER

BASOM, BLAINE T

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,387

Applicant(s)

HOCHMUTH, ROLAND M.

Examiner

Blaine Basom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The Specification, on lines 6-9 of page 1, incorporates Application No. 09/006,238 by reference. It is noted that Application No. 09/006,238 has been issued as Patent No. 6,377,286.

The Specification should be amended to reflect this.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 9, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each of these claims, there is no antecedent basis for the phrase, "those files," as it is unclear whether this phrase refers to the "program files" or the "data files" previously recited in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7-9, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,760,774, which is attributed to Grossman et al. (hereafter referred to as "Grossman"), and also over the Macintosh graphical user interface, as described by the "Macintosh User's Guide for desktop Macintosh computers." In general, Grossman presents several embodiments for facilitating the selection of icons and for "cleaning up" a computer display (see, for example, column 1, line 10 – column 2, line 52). One such embodiment, which is of particular relevance to the instant application, involves consolidating icons that are not likely to be used into a single "master" icon (for example, see column 2, lines 35-44).

Specifically regarding claim 1, Grossman discloses that the icons that are not likely to be used are determined based on their previous use; specifically, icons not likely to be used are those that have not been used for a predetermined amount of time (see column 8, line 49 – column 9, line 9). Icons satisfying these criteria are removed from the display and incorporated into the master icon, whereby the appearance of the master icon changes to indicate the incorporation of the removed icons into the master icon (see column 9, lines 9-44). It is understood that such icons may represent files, such as application programs or data (for example, see column 1, lines 17-29; and column 4, lines 40-46). Accordingly, Grossman teaches a computer operable method like that of claim 1, the method comprising: automatically selecting

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a file having an icon representing the file displayed on a computer screen wherein the file satisfies a first set of criteria, the first set of criteria defining when the file has not been used recently; automatically removing the icon representing the file from the computer screen; and automatically placing the icon into a first graphical object, namely a master icon. Grossman further discloses that an icon may be redisplayed, whereby the appearance of the master icon changes to indicate the expulsion of the icon from the master icon (for example, see column 9, lines 35-44). Grossman, however, does not explicitly disclose the means by which the user may cause the icon to be redisplayed, and therefore, does not teach that the icon may be redisplayed when the user opens the master icon, as is expressed in claim 1.

Nevertheless, selecting an icon to open the icon, which results in the display of the icons incorporated within the opened icon, is well-known in the art. In the Macintosh graphical user interface, for example, icons may be removed from the display and incorporated within a single icon (for example, see pages 36-37: icons may be moved into a "trash" icon). By selecting and opening the single icon, the icons incorporated therein are displayed within a window (for example, see pages 36-37: by opening the "trash" icon, the icons previously moved to the trash icon are displayed).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Grossman and the Macintosh graphical user interface before him at the time the invention was made, to modify the method taught by Grossman such that the master icon may be selected and opened to display the removed icons placed therein, as done in the Macintosh graphical user interface. It would have been advantageous to one of ordinary skill to utilize this

combination because selecting an icon to display the icons placed therein is an easy and intuitive way to view the icons, as is demonstrated by the Macintosh graphical user interface.

As per claim 7, Grossman teaches that the above-described method may be applied on a computer system comprising memory, which is understood to have instructions for implementing the method (see column 4, lines 25-67). Such a memory implementing the above-described method taught Grossman and Macintosh is considered a "program storage medium," like that recited in claim 7.

Concerning claim 13, it is understood that the above-described method of Grossman and Macintosh is implemented within a graphical user interface, for example, to remove icons within the graphical user interface that are not likely to be used. Such a graphical user interface implementing the above-described method taught by Grossman and Macintosh is considered a graphical user interface like that recited in claim 13.

Regarding claims 2, 8, and 14, Grossman discloses that icons that are not likely to be used are determined based on their previous use; specifically, icons not likely to be used are those that have not been used for a predetermined amount of time, as is described above. Icons satisfying these criteria are removed from the display and incorporated into a master icon, whereby the appearance of the master icon changes to indicate the incorporation of the removed icons into the master icon, as is further described above. The above-described combination of Grossman and Macintosh thus teaches automatically selecting a file represented by an icon, wherein the file satisfies a first set of criteria, and wherein the first set of criteria is satisfied when the file has been selected fewer than a specified number of times, i.e. once, in more than a predetermined amount of time.

Concerning claims 3, 9, and 15, Grossman discloses that icons that are not likely to be used are determined based on their previous use; specifically, icons not likely to be used are those that have not been used for a predetermined amount of time, as is described above. The above-described combination of Grossman and Macintosh is thus considered to teach keeping a log of files selected in a desktop event log, like recited in claims 3, 9, and 15, particularly to determine the amount of time since each file was last used and to determine files that are not likely to be used. It is understood that these icons may represent files, such as application programs or data, which may be selected via a graphical user interface (for example, see column 1, lines 17-29; and column 4, lines 40-46 of Grossman; or see pages 18-19 of the Macintosh User's Guide). Accordingly, the above-described combination of Grossman and Macintosh is considered to teach keeping a log of files selected in a desktop event log, wherein like recited in claims 3, 9, and 15, the files selected include program files selected to be executed and data files selected to perform other operations using those files, and wherein the files selected comprise files whose selection is initiated by a graphical user interface.

Claims 4-6, 10-12, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the above-described combination of Grossman and Macintosh, and also over other embodiments described by Grossman. As described above, Grossman and Macintosh describe a method like that of claim 2, a program storage medium like that of claim 8, and a graphical user interface like that of claim 14, whereby icons satisfying specified criteria, that is, icons that have not been selected for a predetermined amount of time, are removed from the display and consolidated into a single master icon. Neither the Macintosh graphical user interface nor the

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described embodiment of Grossman, however, explicitly disclose that the user may be prompted for a response, whereby the icons are removed, as is recited in claims 4, 10, and 16.

Additionally, the described embodiment of Grossman and the Macintosh graphical user interface fail to teach or suggest that the user may set a first property associated with a specific file or group of files to prevent the criteria from being satisfied for the file or files, as is recited in claims 5-6, 11-12, and 17-18. Nevertheless, Grossman presents such teachings in an additional embodiment.

For example, like the above-described embodiment, Grossman describes an additional method by which icons satisfying specified criteria, that is, icons that have not been selected for a predetermined amount of time, are removed from the display (for instance, see column 9, line 45 – column 10, line 50). Of particular relevant to the claimed invention, Grossman discloses that the user, through a “pop-up setting window,” may exempt certain icons from being removed (see column 10, lines 50-54).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Grossman and the Macintosh graphical user interface before him at the time the invention was made, to modify the method taught by Grossman and Macintosh such that the user may exempt specified icons from being removed and consolidated into a master icon, as is taught by the additional embodiment of Grossman. It would have been advantageous to one of ordinary skill to utilize such a combination, because retaining particular icons on the display, no matter how much time has passed since the icons have been selected, may be a desirable feature for the user, as is demonstrated by Grossman. Accordingly, Grossman and Macintosh teach that the user may set a first property associated with each icon to prevent the above-described criteria,

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which stipulates the removal of the icon, from being satisfied. As it is understood that the user may set such a property for multiple icons, Grossman and Macintosh are further considered teach that the user may set this first property for a group of files, like expressed in claims 6, 12, and 18. Grossman discloses that the user may set this property through a pop-up setting window, as is described above, and therefore, an icon may be removed and consolidated into a single master icon based, among other reasons, on the user's input into the pop-up setting window. Consequently, this pop-up setting window is understood to prompt the user for a user response, wherein response to the user response, the icon representing a file may be removed, like expressed in claims 4, 10, and 16.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. The applicant is required under 37 C.F.R. §1.111(C) to consider these references fully when responding to this action. The Blades et al. U.S. Patent cited therein presents a method, similar to that of claim 1, whereby menu options that have not been used recently are removed. The Malamud et al. U.S. Patent cited therein teaches grouping icons into a single icon. Lastly, the Windows 95 reference cited therein teaches presenting a prompt, like that of claim 4, before removing an icon from a display screen (for example, see page 318-319).

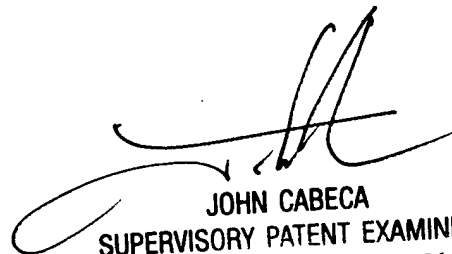
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb



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